

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

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SOUTHERN DIVISION

PATRICIA COTTEN and
JAMES SCOTT EL,

Plaintiffs, No. 04-CV-73508-DT

vs. Hon. Gerald E Rosen

SHERRY BURT, et al.,

Defendants.

ORDER (1) ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION DENYING PLAINTIFF'S MOTION TO INTERVENE AS
PLAINTIFF AND JOINDER OF PERSONS NEEDED FOR JUST ADJUDICATION AND
(2) AFFIRMING MAGISTRATE JUDGE'S ORDER DENYING
PLAINTIFF SCOTT'S MOTION TO INTERVENE AS MOOT

At a session of said Court, held in the
U.S. Courthouse, Detroit, Michigan
on _____ September 29, 2005

PRESENT: Honorable Gerald E. Rosen
United States District Judge

This Section 1983 prisoner civil rights matter is before the Court on (1) the August 1, 2005 Report and Recommendation of United States Magistrate Judge Mona K. Majzoub (Docket # 29) recommending that the Court deny Plaintiff's Amended Motion to Intervene

as Plaintiff and Joinder of Persons Needed for Just Adjudication,¹ and (2) the Magistrate Judge's Order of that same date (Docket # 30) denying Plaintiff Scott's Motion to Intervene as moot. Plaintiff having timely filed objections to the Magistrate Judge's Report and Recommendation and Order; and the Court having reviewed the Magistrate Judge's Report and Recommendation and Order, Plaintiff's Objections, and the Court's entire file of this action, the Court concludes that, for the reasons stated in by the Magistrate Judge in her Report and Recommendation and Order, Plaintiffs' Motions should be denied.

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation of August 1, 2005 be, and hereby is, adopted by this Court.

IT IS FURTHER ORDERED that Plaintiff's Motion to Intervene as Plaintiff and Joinder of Persons Needed for Just Adjudication is DENIED.

IT IS FURTHER ORDERED that the Magistrate Judge's Order denying Plaintiff Scott's Motion to Intervene as moot is AFFIRMED.

s/Gerald E. Rosen
Gerald E. Rosen
United States District Judge

Dated: September 29, 2005

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 29, 2005, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager

¹ The Magistrate Judge construed this motion as a motion for leave to file an amended complaint and the Court agrees with that construction.